

APPENDIX I BIOLOGICAL RESOURCES INFORMATION

PACIFIC CITY BIOLOGICAL TECHNICAL REPORT

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1.0 INTRODUCTION

This Biological Technical Report has been prepared to support the California Environmental Quality Act (CEQA) documentation for the proposed Pacific City project (hereafter referred to as the proposed project site). This information has been reported in accordance with accepted scientific and technical standards that are consistent with the requirements of the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG).

1.1 REGIONAL ENVIRONMENTAL SETTING

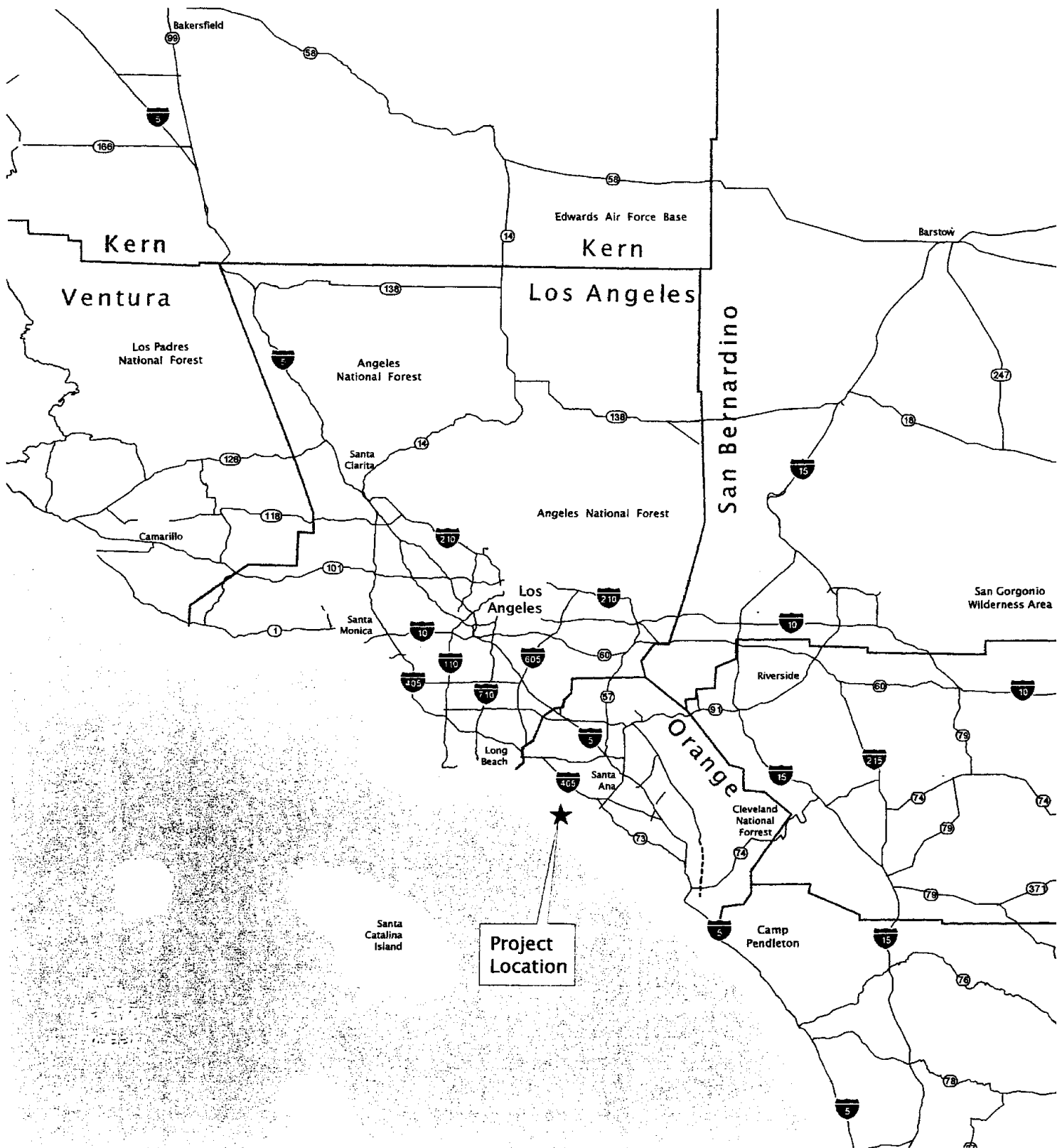
The proposed project site is located in the City of Huntington Beach in northwestern Orange County (Exhibit 1). The proposed project site is located along the coastline, but is surrounded by residential and commercial development to the north, east, and west. Pacific Coast Highway is located immediately adjacent to the south of the proposed project site. The Santa Ana River is located approximately three miles east of the proposed project site. Bolsa Chica Ecological Reserve is approximately 3.5 miles northwest of the proposed project site and Newport Bay is approximately 4.5 miles southeast of the proposed project site. Elevation on the proposed project site ranges from ten feet above mean sea level (msl) to 40 feet above msl. The proposed project site is found on the Newport Beach U.S. Geological Survey (USGS) 7.5-minute quadrangle map.

1.2 PROJECT LOCATION AND DESCRIPTION

The proposed project site is an approximately 32-acre site located north of Pacific Coast Highway (PCH) (State Highway 1) between Huntington Street to the east and 1st Street to the west (Exhibit 2). The northern project site boundary is formed along Atlanta Avenue. The proposed project site is currently undeveloped. Land uses surrounding the proposed project site include residential and commercial. The residential development is located along 1st Street, Atlanta Avenue, and Huntington Street. The commercial development consists of offices, stores, hotels, and restaurants along PCH. The topography of the proposed project site is generally flat with a grade differential of 30 feet. A water detention basin is located in the center of the proposed project site.

2.0 SURVEY METHODOLOGIES

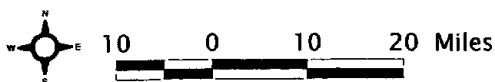
Data provided in this report has been collected from biological surveys conducted by Ecologist Weena Sangkatavat and Biologist Jenna Colling of BonTerra Consulting on December 19, 2001. In addition, existing documentation pertinent to the biological resources within or in the vicinity of the proposed project site was compiled and reviewed. This included a review of taxa that are currently listed as Threatened or Endangered, proposed for listing, and/or candidates for listing by the CDFG, USFWS, or California Native Plant Society (CNPS). BonTerra Consulting conducted a search of the available literature to identify special status plants, wildlife, or habitats known to occur in the vicinity of the proposed project site. The California Natural Diversity Database (CNDDB) (CDFG 2001), the California Native Plant Society's Inventory of Rare and Endangered



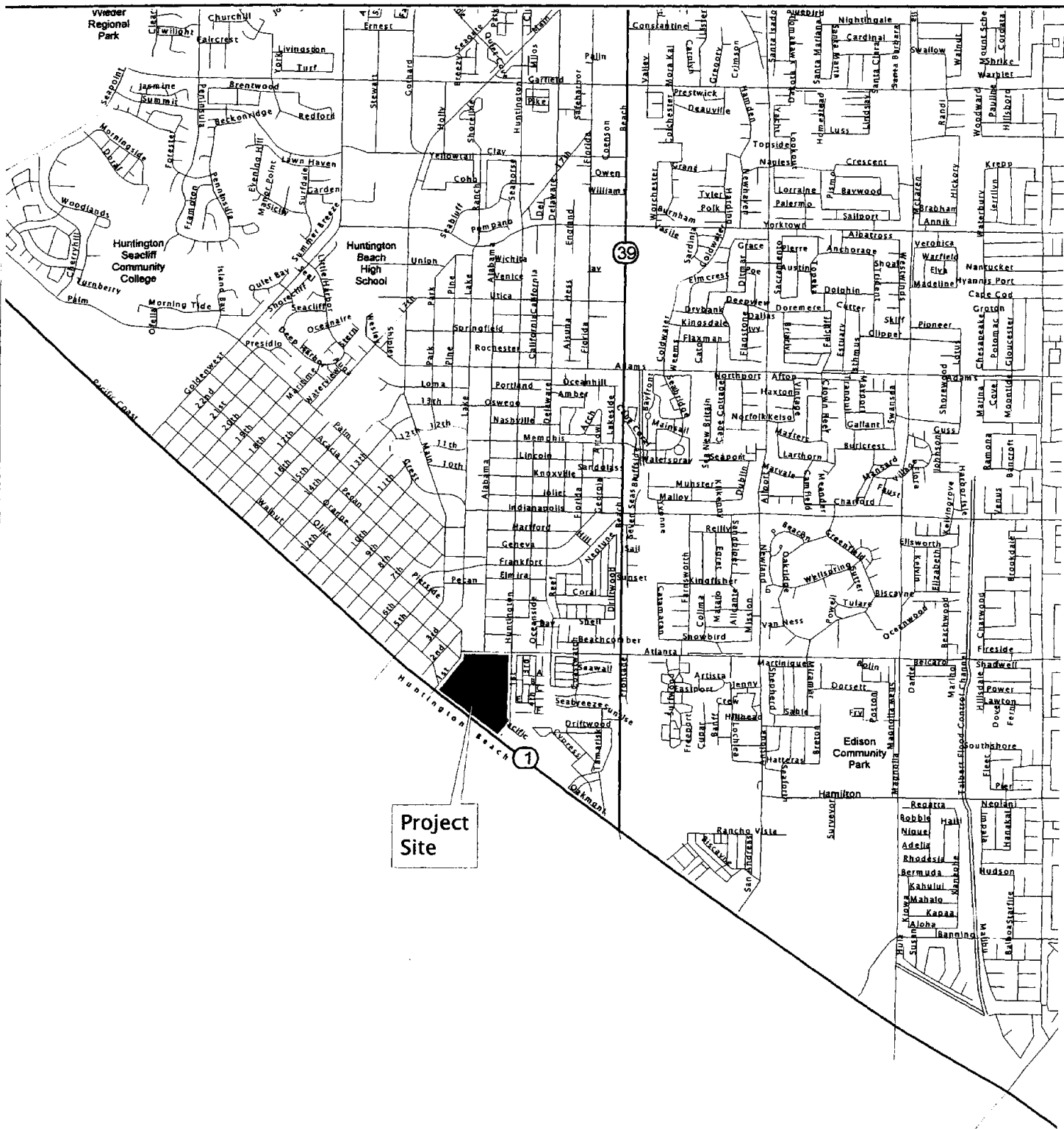
Regional Location

Exhibit 1

Pacific City Biological Technical Report



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Source: US Census Bureau TIGER 2001

Project Site

Pacific City Biological Technical Report



0.25 0 0.25 0.5 Miles

Exhibit 2

Bonterra
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Vascular Plants of California (CNPS 2000, 2001), and compendia of special status species published by the USFWS and CDFG were consulted.

2.1 GENERAL PLANT SURVEYS

A general survey of plant species was conducted. Plant species were identified in the field or collected for later identification. Plants were identified using taxonomic keys in Hickman (1993), Munz (1974), and Abrams (1923, 1960). Taxonomy follows Hickman (1993) for scientific and common names. Vegetation within the study area was classified into the communities listed in the *Habitat Classification System Natural Resources Geographic Information System (GIS) Project*, prepared for the County of Orange Environmental Management Agency (Gray and Bramlett, 1992). Plant species observed on the proposed project site are included in Table 1 of Appendix A.

2.2 GENERAL WILDLIFE SURVEYS

A general wildlife survey was conducted simultaneously with the general plant survey. Taxonomy and nomenclature for wildlife generally follows American Ornithologist's Union (AOU) (1998) for birds and Laudenslayer *et al.* (1991) for all other terrestrial vertebrates. The survey included active searches for reptiles and amphibians by lifting, overturning, and carefully replacing rocks and debris where appropriate. Birds were identified by standard visual and auditory recognition. Surveys for mammals included searching for and identifying diagnostic signs, including scat, footprints, scratch-outs, dusting bowls, burrows, and trails. All wildlife species observed on the proposed project site were recorded in field notes and are included in Table 2 of Appendix A.

3.0 EXISTING BIOLOGICAL RESOURCES

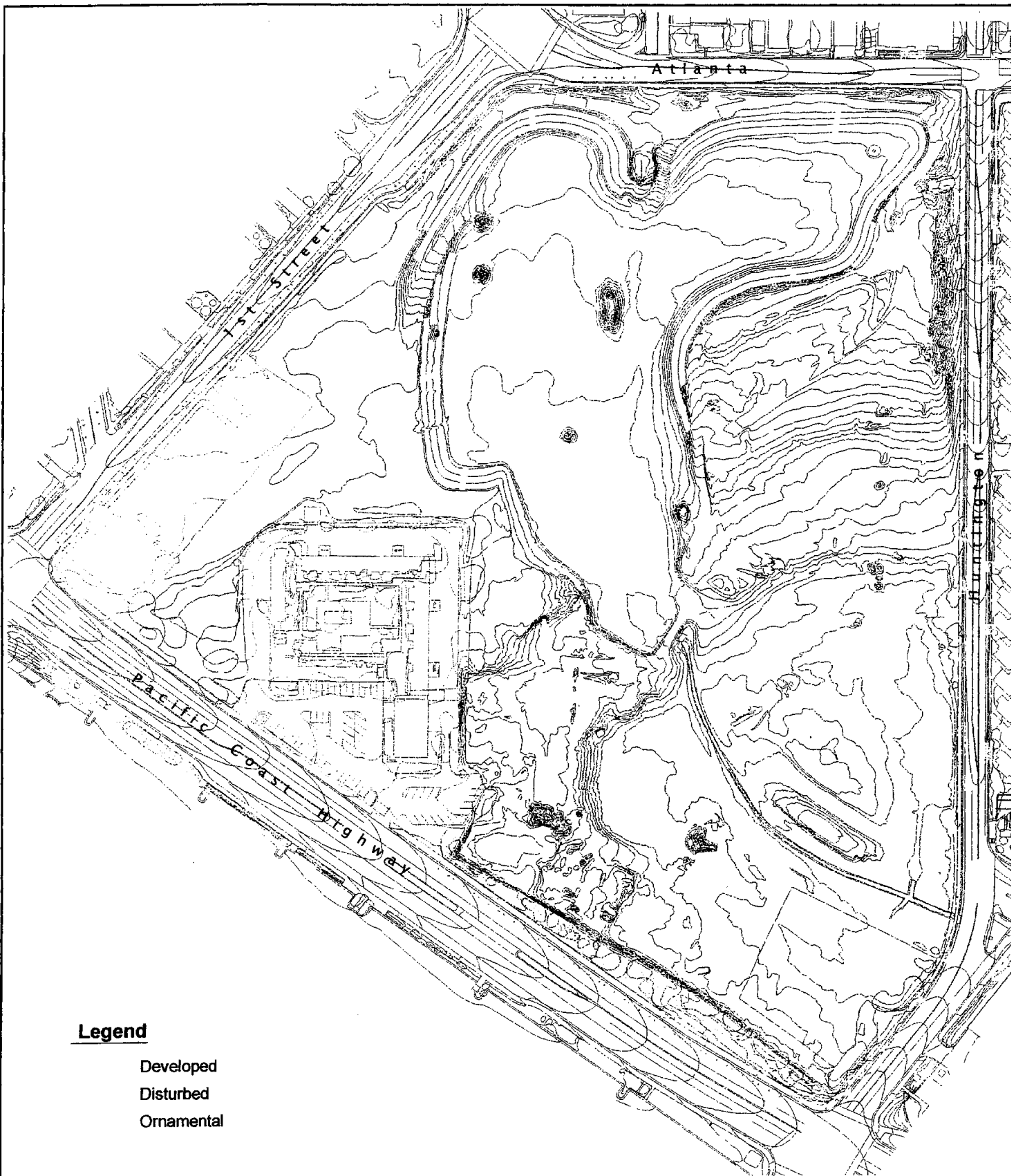
This section describes the biological resources that either occur or potentially occur on the proposed project site. Vegetation types, wildlife populations and movement patterns, and special status plant and wildlife species either known to occur or potentially occurring on the proposed project site are discussed below.

3.1 VEGETATION TYPES

This section describes the vegetation types that occur on the proposed project site (Exhibit 3). Three vegetation types occur within the proposed project site, none of which are considered native. These vegetation types are ornamental, disturbed, and developed.

Ornamental

Ornamental vegetation covers approximately 0.5 acres of the proposed project site. This vegetation is associated with developed areas and typically consists of non-native species planted for their aesthetic values. Ornamental species present within the proposed project site include acacia (*Acacia* sp.), eucalyptus seedlings (*Eucalyptus* spp.), English ivy (*Hedera helix*), crystalline iceplant (*Mesembryanthemum crystallinum*), and an ornamental oak (*Quercus* sp.).



Legend

- Developed
- Disturbed
- Ornamental

Vegetation Types

Pacific City Biological Technical Report

Exhibit 3



100 0 100 200 Feet

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Disturbed

Approximately 27.2 acres of disturbed vegetation type is found throughout the proposed project site. This vegetation type is comprised of primarily disced bare ground with ruderal species. These species included black mustard (*Brassica nigra*), Bermuda grass (*Cynodon dactylon*), sweet fennel (*Foeniculum vulgare*), telegraph weed (*Heterotheca grandiflora*), cheeseweed (*Malva parviflora*), sweet clover (*Melilotus* sp.), sour grass (*Oxalis pes-caprae*), and Russian thistle (*Salsola tragus*). This vegetation type also includes areas that consist of bare ground.

Developed

Approximately 4.5 acres of developed areas consisting of paved parking lots occur on the proposed project site. These areas typically support no vegetation.

3.2 WILDLIFE

The following discussion describes the wildlife species observed or that have potential to occur within the proposed project site. Exhibit 3 illustrates the distribution of vegetation types representing wildlife habitat of the proposed project site.

Fish

The proposed project site does not support suitable habitat for fish. Therefore, no fish species are expected to occur on the proposed project site.

Amphibians

No amphibians were detected during the field surveys. Areas of wet ornamental vegetation may provide limited suitable habitat for the Pacific tree frog (*Hyla regilla*). This species may occupy wet ornamental areas and semi permanent run-off. Ornamental areas occur adjacent to PCH on the proposed project site. An area of run-off which drains from the water detention basin occurs in the south west corner of the proposed project site. None of these areas provide enough moisture or vegetation to support amphibian species, and are not expected to occur on the proposed project site.

Reptiles

No reptile species were observed during the field surveys. However, the western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), and southern alligator lizard (*Gerrhonotus multicarinatus*) are expected to occur on the proposed project site.

Birds

A variety of bird species are expected to occur on the proposed project site as either migrants, winter visitors, summer visitors, or year-round residents. Species observed on the proposed project site include the western gull (*Larus occidentalis*), mourning dove (*Zenaida macroura*), and European starling (*Sturnus vulgaris*). Year-round residents expected to use the proposed project site at least occasionally include Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), and house sparrow (*Passer domesticus*). The proposed project site provides marginal and limited foraging habitat for raptor species such as the Cooper's hawk (*Accipiter cooperii*); however, no raptors are expected to nest on the proposed project site due to lack of suitable habitat. Raptors require large, tall trees for nesting and roosting site; they use grasslands for foraging.

Mammals

Although no mammals were detected during the field surveys, the proposed project site provides suitable habitat for a few common species that are adapted to urban environments. Small mammals such as the California desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), black rat (*Rattus rattus*), and California mouse (*Peromyscus californicus*) are expected to occur on the proposed project site. Medium- to large-sized mammals such as the Virginia opossum (*Didelphis virginiana*) and coyote (*Canis latrans*) are also expected to occasionally occur on the proposed project site.

3.3 WILDLIFE MOVEMENT

Wildlife corridors vary greatly in their overall significance. General information that currently exists on corridors suggests that major drainages, canyon bottoms, and ridgetops, as well as areas that provide important resources for wildlife, will be the most significant for wildlife movement. In general, two types of corridors exist. Regional corridors are generally those that allow movement between large, often widely separated areas. These may connect National Forests, mountain ranges, or other major wildlife use areas. Local wildlife corridors are those that allow dispersion between smaller, generally more adjacent areas, such as between canyons or ridges, or important resource areas.

The proposed project site is not expected to support any appreciable wildlife movement because it is bounded by urban development. The surrounding expanses of urban habitats offer poor cover for movement across the site.

3.4 SPECIAL STATUS BIOLOGICAL RESOURCES

The following section addresses special status biological resources observed, reported, or having the potential to occur on the proposed project site. These resources include plant and wildlife species that have been afforded special status and/or recognition by federal and state resource agencies, as well as private conservation organizations. In general, the principal reason an

individual taxon (i.e., species, subspecies, or variety) is given such recognition is the documented or perceived decline or limitations of its population size, geographic range, and/or distribution resulting, in most cases, from habitat loss. Tables 1 and 2 in Appendix B provide a summary of special status plant and wildlife species known to occur in the proposed project region including information on the status, potential for occurrence, and definitions for the various status designations. In addition, special status biological resources also include vegetation types and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, state, and local government conservation programs. Sources used to determine the special status of biological resources are as follows:

1. **Plants**—*Electronic Inventory of Rare and Endangered Vascular Plants of California*. (CNPS 2001). *Natural Diversity Database List of Special Plants* (CDFG 2001a). Various Federal Register notices from the USFWS regarding listing status of plant species.
2. **Wildlife**—CNDDDB (CDFG 2001b), *List of Special Animals* (CDFG 2001c), Various Federal Register notices from the USFWS regarding listing status of wildlife species.
3. **Habitats**—CNDDDB (CDFG 2001b).

Definitions of Special Status Biological Resources

Special status habitats are vegetation types, associations, or sub-associations that support concentrations of special status plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife. Although special status habitats are not afforded legal protection unless they support protected species, potential impacts on them may increase concerns and mitigation suggestions by resources agencies.

A **federally Endangered species** is one facing extinction throughout all or a significant portion of its geographic range. A **federally Threatened species** is one likely to become endangered within the foreseeable future throughout all or a significant portion of its range. The presence of any federally Threatened or Endangered species on a proposed project site generally imposes constraints on development, particularly if development would result in "take" of the species or its habitat. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct. Harm in this sense can include any disturbance to habitats used by the species during any portion of its life history.

Proposed species are those officially proposed by the USFWS for addition to the federal Threatened and Endangered species list. Because proposed species may soon be listed as Threatened or Endangered, these species could become listed prior to or during implementation of a proposed development proposed project.

The State of California considers an **Endangered species** as one whose prospects of survival and reproduction are in immediate jeopardy, a **Threatened species** as one present in such small

numbers throughout its range that it is likely to become an Endangered species in the near future in the absence of special protection or management, and a **Rare species** as one present in such small numbers throughout its range that it may become Endangered if its present environment worsens. Rare species apply primarily to California native plants. State Threatened and Endangered species are fully protected against take unless an incidental take permit is obtained from the wildlife agencies.

Federal Species of Concern are species (a "term of art" for former Category 2 candidates) with an informal designation by the USFWS for some declining species that are not federal candidates for listing at this time, but are noted as species of concern in the CNDDDB (CDFG 2001b). This list has not been updated by the USFWS since 1996 and is included for informational purposes only.

California Species of Special Concern is an informal designation used by the CDFG for some declining wildlife species that are not state candidates. This designation does not provide legal protection but signifies that these species are recognized as special status by the CDFG.

Species that are **California Fully Protected** and **Protected** include those protected by special legislation for various reasons, such as the mountain lion and white-tailed kite. Fully protected species may not be taken or possessed at any time. California Protected Species include those species that may not be taken or possessed at any time except under special permit from the department issued pursuant to Sections 650 and 670.7 of the California Code of Regulations, or Section 2081 of the Fish and Game Code.

A species that is considered a **Special Animal** is one that is tracked by the CNDDDB. Species of **Local Concern** are those that have no official status with the resource agencies, but are being watched because either there is a unique population or the species is declining in the region.

The CNPS is a resource conservation organization that has developed an inventory of California's special status plant species (CNPS 2001). This inventory is the summary of information on the distribution, rarity, and endangerment of California's vascular plants. This rare plant inventory is comprised of four lists. CNPS presumes that **List 1A** plant species are extinct in California because they have not been seen in the wild for many years. CNPS considers **List 1B** plants as rare, threatened, or endangered throughout their range. **List 2** plant species are considered rare, threatened, or endangered in California but more common in the rest of its range. Plant species for which CNPS needs additional information are included on **List 3**. **List 4** plant species are those of limited distribution in California whose susceptibility to threat appears low at this time.

Special Status Vegetation

The proposed project site contains no special status vegetation types.

Special Status Plants

Prior to the biological surveys, the site was disced. The site has continually been disced, thus preventing the growth of much vegetation. Three of the 29 special status plant species known to occur in the region have a limited potential to occur on the proposed project site because they are known to occur in disturbed habitats. These species are the southern tarplant (*Centromadia parryi* ssp. *australis*), vernal barley (*Hordeum intercedens*), and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*). Special status plant species known to occur in the proposed project region are summarized in Table 1 of Appendix B. No special status plant species are expected to occur on the project site.

Special Status Wildlife

The proposed project site contains no native vegetation types, and therefore, has a low potential to support most special status wildlife species. However, 11 of the 51 special status wildlife species known to occur in the proposed project region have the potential to occur on the proposed project site. They include the monarch butterfly (*Danaus plexippus*), Cooper's hawk, sharp-shinned hawk (*Accipiter striatus*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus*), California gull (*Larus californicus*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), tricolored blackbird (*Agelaius tricolor*), and large-billed savannah sparrow (*Passerculus sandwichensis rostratus*). Most of these species are expected to occur briefly on the proposed project site for foraging only and have no potential to nest on the proposed project site. The California horned lark and the loggerhead shrike both have a limited potential to nest on the proposed project site in the disturbed field and in the ornamental vegetation, respectively. Special status wildlife species known to occur in the proposed project region are summarized in Table 2 of Appendix B.

4.0 PROJECT IMPACTS

The determination of impacts in this analysis is based on a comparison of maps depicting proposed land use designations, which are assumed to be the ultimate grading limits, and maps of biological resources on the proposed project site. All construction activities, including staging and equipment areas, are assumed to be contained within the land development boundaries. Both direct and indirect impacts on biological resources have been evaluated. Direct impacts are those that involve the initial loss of habitats due to grading and construction. Indirect impacts are those that would be related to disturbance from construction activities (e.g., noise, dust) and use of the proposed proposed project.

Biological impacts associated with the proposed proposed project were evaluated with respect to the following special status biological issues:

- federally- or state-listed Endangered or Threatened species of plant or wildlife;

- streambeds, wetlands, and their associated vegetation;
- habitats suitable to support a federally- or state-listed Endangered or Threatened species of plant or wildlife;
- species designated as California Species of Special Concern or federal Species of Concern;
- habitat, other than wetlands, considered special status by regulatory agencies (USFWS, CDFG, Los Angeles County) or resource conservation organizations; and
- other species or issues of concern to regulatory agencies or conservation organizations.

The actual and potential occurrence of these resources on the proposed project site was correlated with the following significance criteria to determine whether the impacts of the proposed project on these resources would be considered significant.

4.1 SIGNIFICANCE CRITERIA

In accordance with the state CEQA Guidelines, Section 15065(a), states that a project may have a significant effect on the environment if "...the project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an Endangered, Rare, or Threatened species..." An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, state, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

Section 15380 of CEQA indicates that a lead agency can consider a non-listed species to be Rare or Endangered for the purposes of CEQA if the species can be shown to meet the criteria in the definition of Rare or Endangered. For the purposes of this discussion, the current scientific knowledge on the population size and distribution for each special status species was considered according to the definitions for Rare and Endangered listed in Section 15380 of CEQA.

4.2 DIRECT IMPACTS

Plant and Vegetation Type Impacts

Implementation of the proposed project will result in the loss of 32.2 acres of ornamental and disturbed vegetation types and developed areas as shown in Exhibit 3. These vegetation types,

and the habitats they provide, are generally of low biological value. Therefore, the loss of these areas is considered to less than significant.

Wildlife Impacts

Implementation of the proposed project will result in the loss of non-native vegetation types and the limited wildlife habitat that they provide. Non-native habitats within the proposed project site are expected to provide extremely limited nesting, foraging, and denning opportunities for a limited number of human tolerant wildlife species because the habitats are of low quality, based on the extreme disturbance from previous use, and compared to native habitats. The removal or alteration of habitats within the proposed project site would result in the loss of a limited number of reptiles and mammals. The loss of non-native habitats would not result in substantial reduction of wildlife populations in the region. Any loss of wildlife from project implementation would be minimal, therefore, these impacts would be considered less than significant.

Wildlife Movement Impacts

Since the proposed project site does not function as a movement corridor, and the surrounding area is urbanized, no wildlife movement is expected on the proposed project site. Therefore, the proposed project would not impact wildlife movement.

Special Status Biological Resource Impacts

Plants

The southern tarplant, vernal barley, and Coulter's goldfields have a limited potential to occur on the site. Proposed project implementation may result in impacts on these special status plant species if present on the proposed project site. Impacts on these species would be reduced to less than significant level with implementation of Mitigation Measure #1.

Wildlife

The proposed proposed project would result in the loss of potential foraging habitat for special status wildlife species with potential to occur on the proposed project site. The proposed project site also provides limited suitable nesting habitat for the California horned lark and loggerhead shrike. The proposed project site does not provide suitable nesting habitat for any Threatened or Endangered raptor species. Due to the lack of quality natural habitat onsite that would be removed compared to the amount and high quality of habitat available in the region, these impacts would be considered less than significant.

4.3 INDIRECT IMPACTS

Noise Impacts

Noise levels at the proposed project site will incrementally increase over present levels during construction activities. The proposed project site is currently surrounded by developed land uses and species in the vicinity of the proposed project site are considered to be human tolerant. There is a lack of quality habitat onsite for most species, therefore the increased noise would be considered less than significant.

Night Lighting

Lighting of the development can indirectly affect the behavioral patterns of nocturnal and crepuscular (active at dawn and dusk) urban wildlife at the proposed project site. Currently, the proposed project site is surrounded by urban development. Although the proposed project would increase night lighting, the change would not be substantially different than the current conditions in the proposed project vicinity. Therefore, this impact would be considered less than significant.

Human Activity

Since the proposed project site is currently surrounded by urban development and the proposed project site is composed of non-native vegetation types, the increase in human activity would not be substantially different than the current conditions in the proposed project vicinity. Therefore, this impact would be considered less than significant.

5.0 MITIGATION MEASURES

This section focuses on the development of mitigation measures for those impacts of the proposed project found to be significant or potentially significant. Strategies to mitigate each impact to a less than significant level are identified and described in the following section.

Direct Impacts

Mitigation Measure #1: Special Status Plant Species

If the proposed project site is left undisturbed before the start of construction (e.g., no discing of soils), special status plant surveys, will be conducted during the spring prior to construction of the proposed project, to determine the presence or absence of special status plant species. These surveys will be conducted during the appropriate blooming period as determined by a qualified biologist. If any of these species are found to be present on the proposed project site, then measures will be developed in consultation with the appropriate resource agencies if the status of the species and the size of the population warrant a finding of significance. Appropriate measures may include avoidance of the populations, relocation, or purchase of offsite populations for inclusion to adjacent open space areas.

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APPENDIX A
PLANT AND WILDLIFE COMPENDIA

TABLE 1
PLANT COMPENDIUM ¹

Species
ANGIOSPERMAE - FLOWERING PLANTS
DICOTYLEDONES
AIZOACEAE - FIG-MARIGOLD FAMILY
<i>Mesembryanthemum crystallinum</i> crystalline iceplant
ANACARDIACEAE - SUMAC FAMILY
<i>Rhus integrifolia</i> lemonade berry
APIACEAE (UMBELLIFERAE) - CARROT FAMILY
<i>Foeniculum vulgare</i> sweet fennel
ARALIACEAE - GINSENG FAMILY
<i>Hedera helix</i> English ivy
ASTERACEAE (COMPOSITAE) - SUNFLOWER FAMILY
<i>Heterotheca grandiflora</i> telegraph weed
<i>Isocoma menziesii</i> coastal goldenbush
BRASSICACEAE (CRUCIFERAE) - MUSTARD FAMILY
<i>Brassica nigra</i> black mustard
CARYOPHYLLACEAE - PINK FAMILY
<i>Spergularia marina</i> salt-marsh sand spurry
CHENOPODIACEAE - GOOSEFOOT FAMILY
<i>Atriplex semibaccata</i> Australian saltbush
<i>Salsola tragus</i> Russian thistle
FABACEAE (LEGUMINOSAE) - LEGUME/PEA FAMILY
<i>Acacia</i> sp. acacia
FAGACEAE - OAK / BEECH FAMILY
<i>Quercus</i> sp. ornamental oak
MALVACEAE - MALLOW FAMILY
<i>Malva parviflora</i> cheeseweed
MYRTACEAE - MYRTLE FAMILY
<i>Eucalyptus globulus</i> Tasmanian blue gum
OXALIDACEAE - WOOD-SORREL FAMILY
<i>Oxalis pes-caprae</i> Bermuda buttercup / sour grass
POLYGONACEAE - BUCKWHEAT FAMILY
<i>Rumex crispus</i> curly dock
POACEAE - GRASS FAMILY
<i>Cynodon dactylon</i> Bermuda grass
¹ This table consists of only those species observed during the December 19, 2001 site visit.

TABLE 2
WILDLIFE COMPENDIUM ¹

Species
BIRDS
LARIDAE - GULLS & TERNS
<i>Larus occidentalis</i> western gull
COLUMBIDE-PIGEONS & DOVES
<i>Zenaida macroura</i> mourning dove
CORVIDAE - JAYS & CROWS
<i>Corvus brachyrhynchos</i> American crow
STURNIDAE - STARLINGS
<i>Sturnus vulgaris</i> European starling
MAMMALS
LEPORIDAE - HARES & RABBITS
<i>Sylvilagus audubonii</i> desert cottontail
¹ This table consists of only those species observed during the December 19, 2001 site visit.

APPENDIX B

**SPECIAL STATUS PLANT AND WILDLIFE SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE**

TABLE 1
SPECIAL STATUS PLANT SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE

Species	USFWS	CDFG	CNPS	Potential to Occur on Project Site
<i>Aphanisma blitoides</i> Aphanisma	SOC	None	1B	Not Expected to Occur
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Ventura marsh milk-vetch	PE	CE	1B	Not Expected to Occur
<i>Atriplex coulteri</i> Coulter's saltbush	None	None	1B	Not Expected to Occur
<i>Atriplex pacifica</i> South Coast saltscale	SOC	None	1B	Not Expected to Occur
<i>Atriplex parishii</i> Parish's brittlescale	SOC	None	1B	Not Expected to Occur
<i>Atriplex serenana</i> var. <i>davidsonii</i> Parish's brittlescale	None	None	1B	Not Expected to Occur
<i>Centromadia parryi</i> ssp. <i>australis</i> Southern tarplant	SOC	None	1B	Limited Potential to Occur
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> Salt marsh bird's beak	FE	CE	1B	Not Expected to Occur
<i>Dudleya multicaulis</i> many-stemmed dudleya	SOC	None	1B	Not Expected to Occur
<i>Dudleya stolonifera</i> Laguna Beach dudleya	FT	CT	1B	Not Expected to Occur
<i>Echinodorus berteroi</i> Upright burhead	None	None	None/ Local Concern	Not Expected to Occur
<i>Eleocharis parvula</i> Small spikerush	None	None	4	Not Expected to Occur
<i>Eleocharis rostellata</i> Beaked spikerush	None	None	None/ Local Concern	Not Expected to Occur
<i>Helianthus nuttallii</i> ssp. <i>parishii</i> Los Angeles sunflower	SOC	None	1A	Not Expected to Occur
<i>Hordeum intercedens</i> Vernal barley	None	None	3	Limited Potential to Occur
<i>Juncus acutus</i> var. <i>leopoldii</i> Southwestern spiny rush	None	None	4	Not Expected to Occur
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	SOC	None	1B	Limited Potential to Occur
<i>Lepidium virginicum</i> ssp. <i>robinsonii</i> Robinson's pepper grass	None	None	1B	Not Expected to Occur
<i>Lycium californicum</i> California box thorn	None	None	4	Not Expected to Occur
<i>Nama stenocarpum</i> Mud nama	None	None	2	Not Expected to Occur
<i>Navarretia prostrata</i> Prostrate navarretia	None	None	1B	Not Expected to Occur
<i>Nemacaulis denudata</i> var. <i>denudata</i> Coast woolly-heads	None	None	1B	Not Expected to Occur

TABLE 1 (continued)
SPECIAL STATUS PLANT SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE

Species	USFWS	CDFG	CNPS	Potential to Occur on Project Site
<i>Potentilla anserina</i> ssp. <i>pacifica</i> Southern silver-weed	None	None	None/ Local Concern	Not Expected to Occur
<i>Rorippa gambelii</i> Gambel's water cress	FE	CT	1B	Not Expected to Occur
<i>Sagittaria sanfordii</i> Sanford's arrowhead	SOC	None	1B	Not Expected to Occur
<i>Sibara virginica</i> Virginia rockcress	None	None	None/ Local Concern	Not Expected to Occur
<i>Sidaicea neomexicana</i> Salt spring checkerbloom	None	None	2	Not Expected to Occur
<i>Suaeda esteroa</i> Estuary seablite	None	None	1B	Not Expected to Occur
<i>Suaeda taxifolia</i> Woolly seablite	None	None	4	Not Expected to Occur

LEGEND

Federal (USFWS)

FE Endangered
 FT Threatened
 PE Proposed Endangered
 PT Proposed Threatened
 SOC Species of Concern¹

State (CDFG)

CE Endangered
 CT Threatened
 PE Proposed Endangered
 PT Proposed Threatened

¹ Note: This informal designation, although not an active term, has been reinstated for informational purposes only.

California Native Plant Society (CNPS)

1A Plants Presumed Extinct in California
 1B Plants Rare, Threatened, or Endangered in California and Elsewhere
 2 Plants Rare, Threatened, or Endangered in California But More Common Elsewhere
 3 Plants About Which We Need More Information - A Review List
 4 Plants of Limited Distribution - A Watch List

Orange County

Locally Rare Species of limited distribution in the County (Gray and Bramlet 1994)
 Local Concern Species of limited distribution in the County, as noted since 1994 (Bramlet 2000)

TABLE 2
SPECIAL STATUS WILDLIFE SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE

Species	USFWS	CDFG	Potential to Occur on Project Site
INVERTEBRATES			
Snails			
<i>Tryonia imitator</i> Mimic tryonia (California brackishwater snail)	SOC	None	Not expected to occur; no suitable habitat.
Insects			
<i>Cicindela hirticollis grvida</i> Sandy beach tiger beetle	SOC	None	Not expected to occur; no suitable habitat.
<i>Cicindela tranquebarica viridissima</i> Greenest tiger beetle	SOC	None	Not expected to occur; no suitable habitat.
<i>Cicindela gabbii</i> Gabb's tiger beetle	None	None	Not expected to occur; no suitable habitat.
<i>Trigonoscuta dorothea dorothea</i> Dorothy's El Segundo dune weevil	SOC	None	Not expected to occur; no suitable habitat.
<i>Danaus plexippus</i> Monarch butterfly	None	None	Moderate potential for dispersing individuals; no suitable roosting habitat
<i>Panoquina errans</i> Wandering skipper (saltmarsh skipper)	SOC	None	Not expected to occur; no suitable habitat.
VERTEBRATES			
Amphibians			
<i>Scaphiopus hammondi</i> Western spadefoot toad	SOC	SSC/P	Not expected to occur; no suitable habitat.
<i>Bufo microscaphus californicus</i> Arroyo toad	FE	SSC/P	Not expected to occur; no suitable habitat.
Reptiles			
<i>Clemmys marmorata pallida</i> Southwestern pond turtle	SOC	SSC/P	Not expected to occur; no suitable habitat.
<i>Phrynosoma coronatum blainvilliei</i> San Diego horned lizard	SOC	SSC/P	Not expected to occur; no suitable habitat.
<i>Cnemidophorus tigris multiscutatus</i> Coastal western whiptail	SOC	None	Not expected to occur; no suitable habitat.
<i>Anniella pulchra pulchra</i> Silvery legless lizard	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Salvadora hexalepis virgultea</i> Coast patch-nosed snake	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Thamnophis hammondi</i> Two-striped garter snake	SOC	SSC/P	Not expected to occur; no suitable habitat.
Birds			
<i>Pelecanus occidentalis californicus</i> * California brown pelican	FE	CE/FP	Not expected to occur; no suitable habitat.
<i>Phalacrocorax auritus</i> * Double-crested cormorants	None	SSC	Not expected to occur; no suitable habitat.
<i>Plegadis chihi</i> * White-faced ibis	SOC	SSC	Not expected to occur; no suitable habitat.

TABLE 2 (continued)
SPECIAL STATUS WILDLIFE SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE

Species	USFWS	CDFG	Potential to Occur on Project Site
<i>Accipiter cooperii</i> * Cooper's hawk	None	SSC	Moderate for foraging only; no suitable nesting habitat.
<i>Accipiter striatus</i> * Sharp-shinned hawk	None	SSC	Moderate for foraging only; no suitable nesting habitat.
<i>Circus cyaneus</i> * Northern harrier	None	SSC	Low for foraging only; no suitable nesting habitat.
<i>Elanus leucurus</i> * White-tailed kite	None	FP	Low for foraging only; no suitable nesting habitat.
<i>Falco columbarius</i> ** Merlin	None	SSC	Very low for foraging only; no suitable nesting habitat.
<i>Falco peregrinus</i> * American peregrine falcon	None	CE/FP	Very low for foraging only; no suitable nesting habitat.
<i>Laterallus jamaicensis coturniculus</i> California black rail	SOC	CT/FP	Not expected to occur; no suitable habitat.
<i>Rallus longirostris levipes</i> Light-footed clapper rail	FE	CE/FP	Not expected to occur; no suitable habitat.
<i>Charadrius alexandrinus nivosus</i> * Western snowy plover	FT	SSC	Not expected to occur; no suitable habitat.
<i>Numenius americanus</i> * Long-billed curlew	None	SSC	Not expected to occur; no suitable habitat.
<i>Chlidonias niger</i> * Black tern	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Larus californicus</i> * California gull	None	SSC	Moderate for roosting only; no suitable nesting habitat.
<i>Rynchops niger</i> * Black skimmer	None	SSC	Not expected to occur; no suitable habitat.
<i>Sterna antillarum browni</i> * California least tern	FE	CE/FP	Not expected to occur; no suitable habitat.
<i>Sterna elegans</i> * Elegant tern	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Asio flammeus</i> * Short-eared owl	None	SSC	Not expected to occur; no suitable habitat.
<i>Athene cunicularia</i> Burrowing owl	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Empidonax traillii eximius</i> * Southwestern willow flycatcher	FE	CE	Not expected to occur; no suitable habitat.
<i>Eremophila alpestris actia</i> California horned lark	None	SSC	Low potential to occur; potentially suitable foraging and nesting habitat.
<i>Campylorhynchus brunneicapillus couesi</i> Coastal cactus wren	None	SSC	Not expected to occur; no suitable habitat.
<i>Lanius ludovicianus</i> Loggerhead shrike	SOC	SSC	Low; suitable foraging habitat and potentially suitable nesting habitat.
<i>Vireo bellii pusillus</i> * Least Bell's vireo	FE	CE	Not expected to occur; no suitable habitat.

TABLE 2 (continued)
SPECIAL STATUS WILDLIFE SPECIES
KNOWN TO OCCUR IN THE REGION
OF THE PROJECT SITE

Species	USFWS	CDFG	Potential to Occur on Project Site
<i>Agelaius tricolor</i> * Tricolored blackbird	SOC	SSC	Low for foraging only; no suitable nesting habitat.
<i>Aimophila ruficeps canescens</i> Southern California rufous-crowned sparrow	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Icteria virens</i> * Yellow-breasted chat	None	SSC	Not expected to occur; no suitable habitat.
<i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow	SOC	CE	Not expected to occur; no suitable habitat.
<i>Passerculus sandwichensis rostratus</i> ** Large-billed savannah sparrow	SOC	SSC	Very low; may occur as winter visitor only.
Mammals			
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Chaetodipus fallax fallax</i> Northwestern San Diego pocket mouse	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Perognathus longimembris pacificus</i> Pacific pocket mouse	FE	SSC	Not expected to occur; no suitable habitat.
<i>Microtus californicus stephensi</i> Stephen's California vole	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	SOC	SSC	Not expected to occur; no suitable habitat.
<i>Reithrodontomys raviventris</i> Salt-marsh harvest mouse	FE	CE/FP	Not expected to occur; no suitable habitat.
LEGEND			
Federal (USFWS)		State (CDFG)	
FE	Endangered	E	Endangered
FT	Threatened	T	Threatened
PE	Proposed Endangered	PE	Proposed Endangered
PT	Proposed Threatened	PT	Proposed Threatened
C	Candidate Species	SSC	Species of Special Concern
SOC	Species of Concern ¹	FP	Fully Protected
		P	Protected
¹ Note: This designation, although not an active term, has been reinstated for informational purposes only.			
* Nesting habitat protected			
** Wintering sites protected			

Regulatory Guidance Letters Issued by the Corps of Engineers

Marc Kodack mkodack@icon-stl.net

Sat, 10 Apr 1999 23:06:18 -0500

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[Federal Register: March 22, 1999 (Volume 64, Number 54)] [Notices] [Page 13783-13788] From the Federal Register Online via GPO Access
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DEPARTMENT OF DEFENSE Department of the Army, Corps of Engineers Regulatory Guidance Letters Issued by the Corps of Engineers AGENCY: Army Corps of Engineers, DoD. ACTION: Notice.

SUMMARY: The purpose of this notice is to provide current Regulatory Guidance Letters (RGLs) to all interested parties. RGLs are used by the U.S. Army Corps of Engineers Headquarters as a means to transmit guidance on the permit program (33 CFR parts 320-330) to its division and district commanders. Each future RGL will be published in the Notice Section of the Federal Register as a means to insure the widest dissemination of this information while reducing costs to the Federal Government. The Corps no longer maintains a mailing list to furnish copies of the RGLs to the public. FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Smith, Regulatory Branch, Office of the Chief of Engineers at (202) 761-0201. SUPPLEMENTARY INFORMATION: RGLs were developed by the Corps as a system to organize and track written guidance issued to its field agencies. RGLs are normally issued as a result of evolving policy; judicial decisions and changes to the Corps regulations or another agency's regulations which affect the permit program. RGLs are used only to interpret or clarify existing Regulatory Program policy, but do provide mandatory guidance to Corps district offices. RGLs are sequentially numbered and expire on a specified date. However, unless superseded by specific provisions of subsequently issued regulations or RGLs, the guidance provided in RGLs generally remains valid after the expiration date. The Corps incorporates most of the guidance provided by RGLs whenever it revises its permit regulations. We are hereby publishing all current RGLs, beginning with RGL 94-1 and ending with RGL 96-2. RGLs 92-1, 92-3, and 92-5 expired on December 31, 1997, and RGL 93-1 and 93-2 expired on December 31, 1998. All five RGLs have been

removed from this publication. We will continue to publish each RGL in the Notice Section of the Federal Register upon issuance and in early 2000, we will again publish the complete list of all current RGLs.

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Regulatory Guidance Letter 86-09

SUBJECT: Clarification of "Normal Circumstances" in the Wetland Definition (33 CFR 323.2 (c))

DATE: August 27, 1986



EXPIRES: December 31, 1988

1. This letter will serve to continue the guidance originally issued as RGL 82-2, regarding Corps policy on land-use conversion as it concerns regulatory jurisdiction. Specifically, the guidance addresses situations involving changes in the physical characteristics of a wetland which cause the area to lose or gain characteristics which would alter its status of "waters of the United States" for purposes of the Section 404 regulatory program.

2. The current definition of "waters of the United States" delineates wetlands as follows, at 33 CFR 323.2(c) The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The regulations now in force cover the actual discharge of dredged or fill material into "wetlands", as they are a part of the "waters of the United States". However, these regulations do not discuss what effect the conversion of a wetland to other uses (e.g., agricultural) has upon regulatory jurisdiction, once the land-use conversion has been accomplished.

3. As was stated in RGL 82-2, it is our intent under Section 404 to regulate discharges of dredged or fill material into the aquatic system as it exists and not as it may have existed over a record period of time. The wetland definition is designed to achieve this intent. It pertains to an existing wetland and requires that the area be inundated or saturated by water at a frequency and duration sufficient to support aquatic vegetation. We do not intend to assert jurisdiction over those areas that once were wetlands and part of an aquatic system, but which, in the past, have been transformed into dry land for various purposes. Neither do we intend the definition of "wetlands" to be interpreted as extending to abnormal situations including non-aquatic areas that have aquatic vegetation. Thus, we have listed swamps, bogs, and marshes at the end of the definition at 323.2(c) to further clarify our intent to include only truly aquatic areas.

4. The use of the phrase "under normal circumstances" is meant to respond to those situations in which an individual would attempt to eliminate the permit review requirements of Section 404 by destroying the aquatic vegetation, and to those areas that are not aquatic but experience an abnormal presence of aquatic vegetation. Several instances of destruction of aquatic vegetation to eliminate Section 404 jurisdiction have actually occurred. Because those areas would still support aquatic vegetation "under normal circumstances", they remain a part of the overall aquatic system intended to be protected by the Section 404 program; therefore, jurisdiction still exists. On the other hand, the abnormal presence of aquatic vegetation in a non-aquatic area would not be sufficient to include that area within the Section 404 program.

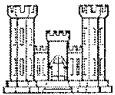
5. Many areas of wetlands converted in the past to other uses would, if left unattended for a sufficient period of time, revert to wetlands solely through the devices of nature. However, such natural circumstances are not what is meant by "normal circumstances" in the definition quoted above. "Normal circumstances" are determined on the basis of an area's characteristics and use, at present and in the recent past. Thus, if a former wetland has been converted to another use (other than by recent unpermitted action not subject to 404(f) or 404(r) exemptions) and that use alters its wetland characteristics to such an extent that it is no longer a "water of the United States", that area will no longer come under the Corps regulatory jurisdiction for purposes of Section 404. However, if the area is abandoned and over time regains wetland characteristics such that it meets the definition of "wetlands", then the Corps 404 jurisdiction has been restored.

6. This policy is applicable to Section 404 authority only, not to Section 10.

7. This guidance expires 31 December 1988 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS:

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Year 2000 Existing Project Site Conditions